

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:07CR69-10

FILED  
IN COURT  
ASHEVILLE, N.C.

OCT 8 2008

U.S. DISTRICT COURT  
W. DIST. OF N.C.

UNITED STATES OF AMERICA, )

Vs. )

MICHAEL RAY ELLIOTT. )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** came before the court upon the motion of the government filed pursuant to Rule 35, Federal Rules of Criminal Procedure, to reduce defendant's sentence. On October 8, 2008, the court heard oral arguments and issued its decision from the bench.

For the reasons stated from the bench, the government's Motion to Reduce Sentence is **ALLOWED** and the sentence of incarceration is reduced from 12 months and one day of incarceration to time served, with three years of supervised release, with all other terms of the sentence remaining in full force and effect.

October 8, 2008  
Asheville, N.C.

  
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T. S. ELLIS, III  
UNITED STATES DISTRICT JUDGE